

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DANIEL SMITH,

Plaintiff,

v.

TAMMY NICKULA, DENNIS  
CHERRY, PAT GLEBE, JOHN DOE,  
JANE DOE,

Defendants.

CASE NO. C12-5774 RBL-KLS

ORDER GRANTING APPLICATION  
TO PROCEED *IN FORMA*  
*PAUPERIS*

The Court, having reviewed Plaintiff's application to proceed *in forma pauperis* does hereby find and **ORDER:**

Plaintiff's declaration indicates he is unable to afford the Court's filing fee or give security therefor. Accordingly, Plaintiff's application to proceed as a pauper is **GRANTED**. As set forth below, an initial partial filing fee will be collected, and Plaintiff is required to make monthly payments of 20 percent of the preceding months income credited to his/her account until the full amount of the filing fee is satisfied.

Pursuant to 28 U.S.C. § 1915 and Plaintiff's approved application to proceed *in forma pauperis*, the agency having custody of the above named Plaintiff is directed to calculate an initial partial filing fee equal to 20 percent of greater of -- the average monthly deposits to the prisoner's account or the average monthly balance in the prisoner's account for the 6-month

1 period immediately preceding the date of this Order. The initial partial filing fee should be  
2 forwarded to the Court Clerk as soon as practicable.

3 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency is  
4 directed to collect and forward payments equal to 20 percent of the prisoner's preceding month's  
5 income credited to the prisoner's account. In the event that the monthly payment would reduce  
6 the prisoner's account below \$10.00, the agency should collect and forward only that amount  
7 which would reduce the prisoner's account to the \$10.00 level. Please note that this \$10.00 limit  
8 does not apply to the initial partial filing fee described above. Finally, the monthly payments  
9 should be collected and forwarded to the Court until the entire filing fee (\$350.00) for this matter  
10 has been paid.

11 The Clerk is directed to send Plaintiff a copy of this Order and the General Order, along  
12 with a copy of Plaintiff's Acknowledgment and Authorization portion of the IFP application to  
13 the attention of the inmate account manager of the IFP account manager at the Stafford Creek  
14 Corrections Center, Aberdeen, Washington.

15 DATED this 14<sup>th</sup> day of September, 2012.

16  
17   
18 Karen L. Strombom  
United States Magistrate Judge  
19  
20  
21  
22  
23  
24